

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TEACHERS4ACTION, et al., :

Plaintiffs, :

08 Civ. 0548 (VM) (AJP)

-against- :

ORDER

MICHAEL G. BLOOMBERG, et al., :

Defendants. :

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ANDREW J. PECK, United States Magistrate Judge:

Presently before the Court are letters dated May 5 and May 8, 2008, from the City and from plaintiffs' counsel regarding the limited one-hour deposition of DOE attorney Theresa Europe. Having reviewed the emails, the Court quashes the request for production of documents attached to the deposition notice, except for categories (i)-(iii). (The Court notes that based on Ms. Greenfield's representation at the last conference, there presumably are no documents responsive to category (ii), but plaintiffs' counsel is free to ask Ms. Europe to confirm that under oath at the deposition.)

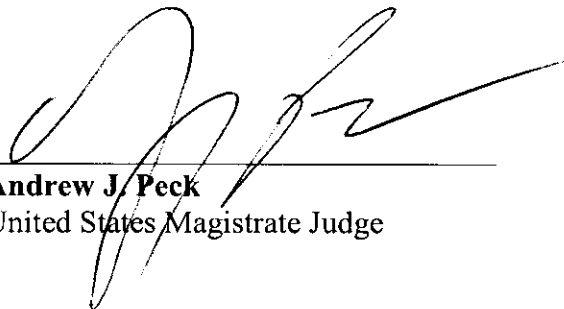
Because the Court has found (at the last conference) that the Lewenstein emails are not privileged, the purpose of the deposition remains limited to discovering the identity of the sender of the faxed version of the Lewenstein emails.

The Court is unable to schedule a conference at this time – the Court is on jury duty in State Supreme Court – but does not believe a conference is needed since the parties' positions have been set out in their May 5 and May 8, 2008 letters.

The Court denies plaintiffs' request to expand the Europe deposition to cover other issues. The Court has not yet received plaintiffs' Request for Permission to Serve Limited [Discovery] Demands, but will rule on that once received and upon defendants' response to same.

SO ORDERED.

Dated: New York, New York
May 8, 2008


Andrew J. Peck
United States Magistrate Judge

Copies by fax & ECF to: Edward D. Fagan, Esq.
Blanche Greenfield, Esq.
Charles G. Moerdler, Esq.
Judge Victor Marrero